APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,633	07/01/2003	Eric Wisniewski	Q75615	4950

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

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11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/609,633	WISNIEWSKI ET AL.
	Examiner	Art Unit	
	Khai M. Nguyen	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 August 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-8* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-8 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

    2.   Ascertaining the differences between the prior art and the claims at issue.

    3.   Resolving the level of ordinary skill in the pertinent art.

    4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch (U.S.Pub-20030162537) in view of Schuetze et al. (U.S.Pat-6101320).

    <u>Regarding claim 1</u>, Hirsch teaches method for providing service management to network elements of a cellular communication network (paragraph 0004, a service provider such as, e.g. a GSM mobile radio network is subdivided in to a number of network regions as can be see form fig.1, and a network can have more than one network regions), said network elements communicating with an Operation and Maintenance Center of the communication network communicating center of said cellular communication network by sending data having a data exchange format (fig.1, OMCs, management center NMC, [0004]-[0006], and [0034], OMCs are used for configuring and monitoring the network devices), said data exchange format being translated in an Operation and Maintenance Center specific data format at a mediation server (fig.1, OMCs, management center NMC, , [0004]-[0006], and [0034]), wherein said method comprises:

    Hirsch fails to specifically disclose identifying at said mediation server a change in used data exchange format from a first data exchange format to a second <u>identified</u> data exchange format; and dynamically switching from first data

exchange format to said second identified data exchange format. However,

Schuetze teaches identifying at said mediation server a change in used data

exchange format from a first data exchange format to a second <u>identified</u> data

exchange format (col.1, lines 42-59, col.3, lines 17-47); and dynamically

switching from first data exchange format to said second identified data

exchange format (col.3, lines 17-47). Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to apply

the teaching of Schuetze to Hirsch to provide method for exchanging data

between separate organizations which may use dissimilar data formats to receive

and send data.

<u>Regarding claim 4</u>, Schuetze and Hirsch further teach method according

to claim 1, wherein said data exchanged between said at least one of said

network element and said Operation (see Hirsch, [0013]-[0015]) and

Maintenance Center contains a new software version download (see Schuetze,

col.6, lines 17-46) from the Operation and Maintenance Center to said at least

one of said network element (see Hirsch, [0013]-[0015]).

<u>Regarding claim 5</u>, Hirsch teaches a mediation server (fig.1, [0004]-

[0006]) used for translating a first data exchange format used by a network

element of a cellular communication network to a second data exchange format

used by an center specific data format used by an Operation and Maintenance

(fig.1, OMCs, management center NMC, [0004]-[0006], and [0034], OMCs are

used for configuring and monitoring the network devices); wherein said mediation

server comprises:

Hirsch fails to specifically disclose means for identifying a change from

said first _used_ data exchange format to said second _identified_ data exchange

format; and means for dynamically switching from first _used_ data exchange

format to said second identified data exchange format. However, Schuetze

teaches means for identifying a change from said first _used_ data exchange

format to said second _identified_ data exchange format (col.1, lines 42-59, col.3,

lines 17-47); and means for dynamically switching from first _used_ data exchange

format to said second identified data exchange format (col.3, lines 17-47).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to apply the teaching of Schuetze to Hirsch to

provide method for exchanging data between separate organizations which may

use dissimilar data formats to receive and send data.

Regarding claim 7, Schuetze and Hirsch further teach the mediation

server according to claim 5, wherein the mediation server is a software

component part of said Operation and Maintenance Center (see Schuetze, fig.3,

see Hirsch, [0013]-[0015]).

Regarding claim 8, Schuetze and Hirsch further teach the mediation

server according to claim 5, wherein the mediation server is a software

component on a standalone device connectable to said Operation and

Maintenance Center (NMS) (see Schuetze, fig.3, see Hirsch, [0013]-[0015]).

4.   Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hirsch (U.S.Pub-20030162537) in view of Schuetze et al. (U.S.Pat-

6101320), and further in view of Lucas et al. (U.S.Pub-20050278710).

Regarding claim 2, Schuetze and Hirsch further teach a method according

to claim 1, wherein it further comprises the steps of:

representing said second identified data exchange format in an object

oriented program (see Schuetze, col.1, lines 42-59, col.3, lines 17-47), and

dynamically uploading the class using the Java programming language (not

show) to switch from said firs data exchange format to said second identified

data exchange format (see Schuetze, col.1, lines 42-59, col.3, lines 17-47).

Schuetze and Hirsch fail to specifically disclose Java programming

language. However, Lucas teaches Java programming language (paragraph

0054). Therefore, it would have been obvious to one having ordinary skill in the

art at the time the invention was made to apply the teaching of Lucas to

Schuetze and Hirsch to provided for manipulating data representation language

based-objects in a native programming language environment.

Regarding claim 6 is rejected with the same reasons set forth in claim 2.

5.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hirsch (U.S.Pub-20030162537) in view of Schuetze et al. (U.S.Pat-6101320),

and further in view of Rubinstein et al. (U.S.Pat-6757373).

    Regarding claim 3, Schuetze and Hirsch further teach the method

according to claim 1,

    Schuetze and Hirsch fail to specifically disclose selecting one out of a

plurality of mediation servers for handling information from at least one of said

network elements according to a predefined load balancing. However, Rubinstein

teaches selecting one out of a plurality of mediation servers for handling

information from at least one of said network elements according to a predefined

load balancing (abstract, col.3, lines 17-31). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made

to apply the teaching of Rubinstein to Schuetze and Hirsch to provided method

for routing a call effect load balancing between mediation devices.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

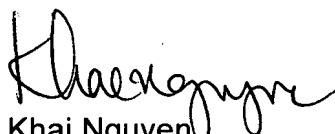action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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